

Appl. No. 10/005,299
Amdt. dated October 20, 2006
Reply to Office Action of March 9, 2006

REMARKS

Claims 1-97 are pending in the instant application. In the Office Action mailed March 9, 2006, the Examiner finally rejects claims 1-3, 6, 7, 9-21, 44-46, 83-85, and 88-97. Claims 4, 5, 8, 22-43, and 47-82 are withdrawn pending allowance of a generic claim. Claims 86 and 87 are canceled.

Based on the remarks made herein, Applicants respectfully request that the rejections be withdrawn and that the application be passed to allowance.

1. Remarks on the Office Action mailed on March 9, 2006: Rejection of Claims 1-3, 6, 7, 9-21, 44-46, 83-85, and 88-97 as Obvious.

In the Office Action mailed March 9, 2006, the Examiner rejected claims 1-3, 6, 7, 9-21, 44-46, 83-85, and 88-97 as being unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,261,679 to Chen et al. (hereinafter "the Chen patent"). This rejection is respectfully traversed.

With respect to independent claims 1, 17, 44, and 83, the Examiner believes the Chen patent provides an absorbent composition comprising an absorbent material and a cooling compound, and in fact points to col. 9, line 18-32 and col. 19, lines 8-18 as evidence of the Chen patent disclosing a cooling compound. Col. 9, lines 18-32 of the Chen patent discuss adding acidic or basic groups to activated carbon fibers in an absorbent structure to assist in absorbing basic or acidic compounds, respectively. The Chen patent does not disclose whether the resulting absorbent structure is acidic or basic or whether an insult will lead to any temperature effect, nor does it disclose an absorbent composition including a cooling compound of any sort, particularly a cooling compound as an element as required by the present invention.

The text of col. 19, lines 8-18 of the Chen patent does actually use the word "cooling," but uses it in reference to the rate at which a solution is cooled in a method for the freeze-drying preparation of an absorbent. Again, the Chen patent does not disclose whether the resulting absorbent is acidic or basic or whether an insult will lead to any temperature effect, nor does it disclose an absorbent composition including a cooling compound of any sort, particularly a cooling compound as an element as required by the present invention.

Contrary to the Examiner's claim, the Chen patent does not disclose, *inter alia*, an absorbent composition including a cooling compound of any sort, particularly one such as that described and claimed in the instant application. In fact, the Chen patent does not disclose a cooling compound, a cooling effect, or an endothermic effect in any respect. The specific passages in the Chen patent

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referenced by the Examiner have nothing to do with a cooling compound, a cooling effect, or an endothermic effect of any kind.

More specifically, claim 1 is directed to an absorbent composition including a water-swellaable, water-insoluble absorbent material; and a cooling compound, wherein the cooling compound has an endothermic effect, wherein the absorbent composition exhibits an absorbent capacity of at least 10 grams of 0.9 wt% NaCl saline per gram of the absorbent composition and a cooling effect of at least a 2°C reduction in temperature of at least a portion of the absorbent composition. Contrary to the Examiner's claim, the Chen patent does not disclose an absorbent composition including a cooling compound, wherein the cooling compound has an endothermic effect, wherein the absorbent composition exhibits an absorbent capacity of at least 10 grams of 0.9 wt% NaCl saline per gram of the absorbent composition and a cooling effect of at least a 2°C reduction in temperature of at least a portion of the absorbent composition. In fact, the Chen patent does not disclose a cooling compound, a cooling effect, or an endothermic effect in any respect.

Claim 17 is directed to an absorbent composition including a water-swellaable, water-insoluble acidic absorbent material; and a cooling compound, wherein the cooling compound has an endothermic effect and is a basic compound capable of neutralizing the acidic absorbent material, wherein the absorbent composition exhibits an absorbent capacity of at least 10 grams of 0.9 wt% NaCl saline per gram of the absorbent composition and a cooling effect of at least a 2°C reduction in temperature of at least a portion of the absorbent composition. Contrary to the Examiner's claim, the Chen patent does not disclose an absorbent composition including a cooling compound, wherein the cooling compound has an endothermic effect and is a basic compound capable of neutralizing the acidic absorbent material, wherein the absorbent composition exhibits an absorbent capacity of at least 10 grams of 0.9 wt% NaCl saline per gram of the absorbent composition and a cooling effect of at least a 2°C reduction in temperature of at least a portion of the absorbent composition. In fact, the Chen patent does not disclose a cooling compound, a cooling effect, or an endothermic effect in any respect.

Claim 44 is directed to a method for producing an absorbent composition capable of exhibiting a cooling effect, the method including selecting a water-swellaable, water-insoluble absorbent material; selecting a cooling compound having an endothermic effect; and combining the absorbent material and the cooling compound to form the absorbent composition such that the absorbent composition exhibits an absorbent capacity of at least 10 grams of 0.9 wt% NaCl saline per gram of the absorbent composition and a cooling effect of at least a 2°C reduction in

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temperature of at least a portion of the absorbent composition. Contrary to the Examiner's claim, the Chen patent does not disclose selecting a cooling compound having an endothermic effect, nor does the Chen patent disclose combining the absorbent material and the cooling compound to form the absorbent composition such that the absorbent composition exhibits an absorbent capacity of at least 10 grams of 0.9 wt% NaCl saline per gram of the absorbent composition and a cooling effect of at least a 2°C reduction in temperature of at least a portion of the absorbent composition. In fact, the Chen patent does not disclose a cooling compound, a cooling effect, or an endothermic effect in any respect.

Claim 83 is directed to an absorbent composition including a superabsorbent material; and a sufficient amount of cooling compound such that the absorbent composition is adapted to provide a cooling effect in at least a portion of the composition while absorbing aqueous liquid. Contrary to the Examiner's claim, the Chen patent does not disclose a sufficient amount of cooling compound such that the absorbent composition is adapted to provide a cooling effect in at least a portion of the composition while absorbing aqueous liquid. In fact, the Chen patent does not disclose a cooling compound or a cooling effect in any respect.

With respect to dependent claims 2, 3, 6, 7, 9-16, 18-21, 45, 46, 84, 85, and 88-97, the Examiner states that the "absorbent material and cooling compound may be acidic and basic, respectively" without providing a citation to where this might be found in the Chen patent. As a result, the entire subject matter of these claims is attributed to "discovering the optimum value requir[ing] only a level of ordinary skill in the art." One cannot "optimize" the pH etc. of certain elements (e.g. a cooling compound) if those elements are non-existent in the prior art, as discussed above. In the alternative, claims 2, 3, 6, 7, 9-16, 18-21, 45, 46, 84, 85, and 88-97 are dependent claims that depend from an allowable independent claim, and are thus allowable themselves for the reasons stated above with respect to independent claims 1, 17, 44, and 83.

Further, and with respect to claims 1-3, 6, 7, 9-21, 44-46, 83-85, and 88-97, the Chen patent does not disclose, teach, or suggest the subject matter of these claims, the Examiner does not establish a *prima facie* case of obviousness, and the Examiner cites no secondary art sufficient to solve any of these shortcomings.

In view of the remarks set forth in this section, Applicants respectfully submit that claims 1-3, 6, 7, 9-21, 44-46, 83-85, and 88-97 are in condition for allowance and respectfully request favorable consideration and the timely allowance of those claims.

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In conclusion, and in view of the remarks set forth above, Applicants respectfully submit that the application and the claims are in condition for allowance and respectfully request favorable consideration and the timely allowance of claims 1-3, 6, 7, 9-21, 44-46, 83-85, and 88-97 and the withdrawn claims in view of the patentability of generic claims. If any additional information is required, the Examiner is invited to contact the undersigned at (920) 721-8863.

The Commissioner is hereby authorized to charge any prosecutorial fees (or credit any overpayment) associated with this communication to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such extension is requested and should also be charged to our Deposit Account.

The undersigned may be reached at: (920) 721-8863.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I, Mary L. Marchant, hereby certify that on October 20, 2006 this document is being sent by facsimile transmission addressed to the Commissioner for Patents, Alexandria, VA via facsimile number (571) 273-8300.

By: 

Mary L. Marchant